Previous references.

File No. 46-08

1908-09

Serial Nos. 142

(prisons)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B. for April '09

SUBJECT.

providing Criminal lunatics Sent to the lunatic As with medical certificate of insanity, history sheet & order of the Court.

Table of Contents.

From the Senior-Surgeon: No. G. 436 S. 21-1-09
Requests Govt to arrange for furnishing the S^r Surgeon information as to the above facts whenever a criminal lunatic is Sent to the asylum.

To the Jail; } No. } 1292-11 S 24-6-09
& Registrar, C.C.; } Approval of the proposal above
& Dist. Magt. of Dts } and accordingly directs that the Magistrate reporting the case of a criminal lunatic for
B. S. 58 of the Govt, shall also forward copies of the C
& order in the case & also copies of med. certs

GENERAL AND REVENUE SECRETARIAT

(Prisons)

NOTES.

File No. 46-0

FILE HEADING.

Providing criminal lunatics sent the Lunatic Asylum, with medical certifi of insanity, history sheet and the order of the court

From

The Senior Surgeon with the Government-

No. Q 434 Dated 21·1·09 Received 22·1·09

Diary No. 1856 | Enclos. 1 | Spare Copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests government to ma necessary arrangements for furnishing the Senio Surgeon, Lunatic Asylum with the above mentioned information whenever a criminal lunatic is sent to the Asylum-

NOTES AND ORDERS.

Submitted for orders with a draft order accepting the proposal of the Inspector General and directing that the Magistrates Concerned should provide the Senior Surgeon with the necessary

NOTES—First sheet

GPB—30,000—3-4-07

Serial No.

certificates and forms. The Legal Chief Court may be consulted perhaps 26.1.09 before final orders are issued.

SW 28/1/09

2. Please send a copy of the Criminal Procedure code with this file.

1.2.09. SW

3. Subd as per orders 4. Yes, Consult the Chief Court

KR. SW 1/2/

1/ 1.2.09. SW

U.O.J 5H Recd 3.2.09

5. Forwarded unofficially to the Registrar of the Chief Court of Mysore for favour of the opinion of the Chief Court.

By order,

For Secretary

B.G. 3.2.09

No: 4760/252. 6. Forms A & B are intended exclusively for non-criminal lunatics. With the exception of Form A there can be no objection to the present proposals. As regards Form A the Judges of the Chief Court desire to point out that a criminal lunatic is sent to the Asylum under the orders of Government and not on a medical certificate. It is conceivable that the Medical Officer might

III 4/2/09

GPB—50,000—18.5.08

Serial No.

I disagree with the view taken by the Magistrate or Sessions Judge and might decline to give a certificate.

10 Feby 1909.

Registrar, Chief Court

Submitted for orders.

CRW 11.2.09 NO 11/2/09

8. The Officer in charge of the Lunatic Asylum want the information only for the purpose of ascertaining the exact Condition of the patient lunatic There appears to be no harm in Sanctioning the proposals. As regards the possible disagreement betwe the Medical officer and the Magis or judge alluded to by the Chief Court, it is ~~respectfully~~ submitted that it is immaterial. The Offic in charge of the Asylum will consid both views and will form his own opinion of the lunatic. It is better to place him in possessio of all information available regarding the lunatic.

11. 2. 09. SH

Secretary) 9. Gs. Put up an order.

Prs

SH. 13.2.09. 13/2

13/2/09

NOTE—Contn. sheet.

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

Pris File No. 46 of 1908-09

Serial No.

10. Draft order submitted.

CRD 16.2.09

11. May be passed
27.2.09.

Fair draft Subd.

(1) I think this draft may issue. It is made clear that medical officers are connected prior to the final order of the Court and that Govt act only on this final order

(2) Separate instructions to medical officers are not necessary, as copies of proceedings will be sent to the Senior Surgeon.

12.3.09

Secretary.

13.

Issue

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Pris File No. 46 of 190 · 8

Serial No.	
2	to the Senior Surgeon, the Registrar, Chief Court and Sh. Magistrs of S. No J 2902-11 dt/ 2.4.09. Approves of the proposal of the Senior Surgeon and directs that whenever a magistrate or judge reports the case of a Criminal lunatic for the orders of Government under Secs 466 & 471 of the Cr. Pro. Code, he shall forward to Govt. Copies of the charge sheet and order in the case and also copies of the medical certificates (if any) and history sheets in the prescribed forms A & B appended to Govt. Pro. J 2130-39 dated the 16th January 1909.

III 4 22 11 Proc's 1856 8.1

From

THE SENIOR SURGEON
WITH THE GOVT. OF MYSORE,
Bangalore.

To

The Secretary to Govt.
Genl: Mlco Deptt.
Bangalore

Dated 21.1.09

Despatched

Received

General No. G. 434
No.

Enclosure No. 1.

SUBJECT.

Forwarding for doing the needful a letter from the Senior Surgeon in charge Lunatic Asylum anent sending Criminal lunatics in future to the Asylum with Copies of medical Certificate of insanity, Jail Ticket & the orders of the Court.

J 1856

No. G.434
Encs. 1

Office of Senior Surgeon, Mysore Govt.,

Dated, Bangalore, 21 - 1 - 1909.

H. no: 46-08
S. no: 1

From

Lt.-Col. John Smyth, M.D., I.M.S.,

Senior Surgeon with the Government of
H. H. the Maharaja of Mysore, Bangalore

To

K.S. Chandrasekhara Iyer Esqr., B.A.,B.L.,
Secretary to the Government of H.H. the
Maharaja of Mysore, Genl.& Rev.Deptts.,
Bangalore.

Sir,

I have the honor to forward for favour of doing the needful, the accompanying copy of letter No.321, dated, 24-12-1908, from the Senior Surgeon in charge Lunatic Asylum, Bangalore, anent sending Criminal lunatics in future to the Asylum, with copies of medical certificate of insanity, history sheet and the order of the Court before which he was tried.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.
Lt.Col.I.M.S.,
Senior Surgeon, Mysore Government

Letter No.321 dated 24th December 1908 from the Senio Surgeon in charge Lunatic Asylum, Bangalore, to the Senior Surgeon with the Government of Mysore.

I have the honor to bring to your notice that criminal lunatics are invariably sent to this Asylum under special orders of Government but without any history whatever. Whereas in Madras & elsewhere the order of committal of such lunatics is accompanied by copies of medical certificate of insanity and history sheet, and the order of the Court before which the criminal may have been tried As each individual case of insanity has to be studied with a view of the understanding the kind of care to be taken, the method of employment &c., I request the favour of necessary arrangements being made for furnishing this office in future with a copy of the medical certificate and history sheet as in the prescribed forms A & B, Medical, together with a copy of the charge sheet and the order of the Court before which the lunatic may have been tried.

" C O P Y "

M.D
Lt.Col.I.M.S.,
Senior Surgeon, Mysore Government

Flair-draft

1856/82

Read:-

Letter No.G434 dated the 21st January 1909 from the Senior Surgeon with the Government forwarding a copy of the following letter No.321 dated the 24th Decem 1908 from the Senior Surgeon in charge of Lunatic Asylum, Bangalore.

(Here enter letter No.321 dated 24-12-08 from the Senior Surgeon, Lunatic Asylum)

ORDER THEREON NO J 2902-11
Pris 46-08-2

Dated Bangalore, 2nd April 1909

The Judges of the Chief C who were consulted in the matter and of nion that the proposals of the Senior Sur geon may be approved with the exception the one relating to medical certificate, (Form A) on the ground that criminal lun tics are sent to the Asylum under the or of Government and not on the ~~[illegible]~~ opinion o medical officer and that cases are conce able where the opinion of the Medical Of

may differ from the view of the Court in which the Lunatic is tried.

Government however consider that the possible disagreement between the medical officer and the court in the case of criminal lunatics is immaterial as the orders of the court are passed only after eliciting ~~the article~~ some medical opinion and as for the purposes of committal to the Asylum the ~~opinion~~ finding of the Court (and not that of the medical officer) will be held as conclusive. The object of the proposed change is simply to supply the officer in charge of the Asylum with all available information about the history and condition of each individual lunatic for the purpose of treatment & care in the asylum. Government are therefore pleased to approve of the proposals contained in the letter of the Senior Surgeon in charge of the Lunatic Asylum and direct that whenever a Magistrate or Judge reports the case of a criminal lunatic for the orders of Government under sections 466 and 471 of the Criminal Procedure Code, he shall forward to

Government

Whenever a suppposed Lunatic is sent to a medical officer for ~~observation~~ examination under sec 464 Cr.P.C the medical officer should be required to give a certificate in Form A in addition to any he examn in writing as laid down in Mat Sch.

Government copies of the charge sheet and in order the case and also copies of the medical certificate (if any) and history sheet in the prescribed forms A and B appended to Government Proceedings No.J.2130-39/Pris.8-05-28 dated the 16th January 1908.

Offg Secretary.

To

The Senior Surgeon to Govt.
" Registrar, Chief Court of Mysore.
" District Magistrates of Districts.

scs.

May this be translated into Canarese and placed at the disposal of the Mess

Copy-3

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Prisons), dated 2nd April 1909.

READ—

Letter No. G. 434, dated the 21st January 1909, from the Senior Surgeon with the Government, forwarding a copy of the following letter No. 321, dated the 24th December 1908, from the Senior Surgeon in charge of the Lunatic Asylum, Bangalore :—

"I have the honor to bring to your notice that criminal lunatics are invariably sent to this Asylum under special orders of Government but without any history whatever; whereas in Madras and elsewhere the order of committal of such lunatics is accompanied by copies of medical certificate of insanity and history sheet, and the order of the Court before which the criminal may have been tried. As each individual case of insanity has to be studied with a view of understanding the kind of care to be taken, the method of employment, etc., I request the favor of necessary arrangements being made for furnishing this office in future with a copy of the medical certificate and history sheet as in the prescribed forms A and B, Medical, together with a copy of the charge sheet and the order of the Court before which the lunatic may have been tried."

No. J. 2902-11—Pris. 46-08-2, dated Bangalore, 2nd April 1909.

Order thereon.—The Judges of the Chief Court, who were consulted in the matter, are of opinion that the proposals of the Senior Surgeon may be approved with the exception of the one relating to medical certificate (Form A), on the ground that criminal lunatics are sent to the Asylum under the orders of Government and not on the opinion of a medical officer and that cases are conceivable where the opinion of the medical officer may differ from the view of the Court in which the lunatic is tried.

Government, however, consider that the possible disagreement between the medical officer and the Court in the case of criminal lunatics is immaterial as the orders of the Court are passed only after eliciting some medical opinion and as, for the purposes of committal to the Asylum, the finding of the Court (and not that of the medical officer) will be held as conclusive. Whenever a supposed lunatic is sent to a medical officer for examination under Section 464 of the Criminal Procedure Code, the medical officer should be required to give a certificate in Form A in addition to his examination in writing as laid down in that section. The object of the proposed change is simply to supply the officer in charge of the Asylum with all available information about the history and condition of each individual lunatic for the purpose of treatment and care in the Asylum. Government are therefore pleased to approve of the proposals contained in the letter of the Senior Surgeon in charge of the Lunatic Asylum and direct that whenever a Magistrate or Judge reports the case of a criminal lunatic for the orders of Government, under Sections 466 and 471 of the Criminal Procedure Code, he shall forward to Government copies of the charge sheet and order in the case and also copies of the medical certificate (if any) and history sheet in the prescribed Forms A and B appended to Government Proceedings No. J.2130-39---Pris. 8-05-28, dated the 16th January 1908.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Senior Surgeon to the Government of Mysore.
The Registrar, Chief Court of Mysore.
The District Magistrates of Districts.

Exd.—C. V.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(PRISONS)

PROCEEDINGS

Dated 2nd April 1909

No. J. 2902-11
Pris. 46-08-

Stating that criminal lunatics ar
sent to the Lunatic Asylum under th
orders of Government and not on the opi
nion of a medical officer, and directing tha
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orders of Government, he shall forward t
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and order in the case, and copies of medica
certificate, if any, and history sheet in th
prescribed forms.

GPB—13-4-09—375